

270 ct
W/Order

(90)
RB9/25

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PHILLIPS-VAN HEUSEN CORP.,
Plaintiff,
vs.

MITSUI O.S.K. LINES LTD.,
Defendant/Third-Party Plaintiff,
v.
KELLAWAY INTERMODAL & DISTRIBUTION
SYSTEMS, INC.,
Third-Party Defendant.

Judge Rambo
CIVIL ACTION NO.: :CV00-0665

FILED
HARRISBURG, PA

SEP 24 2002

MARY E. D'ANDREA, CLERK
Per _____
Deputy Clerk

THIRD-PARTY DEFENDANT, KELLAWAY INTERMODAL & DISTRIBUTION SYSTEMS,
INC.'S ANSWER TO PETITION FOR ATTORNEY FEES AND EXPENSES
OF THIRD-PARTY PLAINTIFF DAADS t/a MAERSK LINES, INC.

Third-party defendant, Kellaway Intermodal & Distribution Systems, Inc. ("Kellaway"), through its counsel, Duffy & Keenan, respectfully requests that this Honorable Court deny the petition for attorney fees and expenses of third-party plaintiff, Maersk Lines, Inc. ("Maersk"), and responds as follows:

1. Denied. The averment in the corresponding paragraph of the petition is based upon a writing which speaks for itself.
2. Denied. The averment in the corresponding paragraph of the petition is based upon a writing which speaks for itself.
3. Denied. The averment in the corresponding paragraph of the petition is based upon a writing which speaks for itself.
4. Denied. The averment in the corresponding paragraph of the petition is based upon a writing which speaks for itself.

5. Denied. The averment in the corresponding paragraph of the petition is based upon a writing which speaks for itself. Furthermore, the averment is an incorrect conclusion of law.

6. Denied as an incorrect conclusion of law.

7. Admitted in part; denied in part. Kellaway admits that an affidavit is attached to the petition as Exhibit "A". Kellaway denies that the attorney fees requested are reasonable.

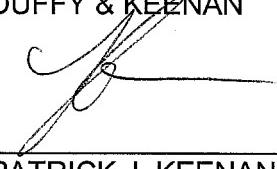
8. Denied as an incorrect conclusion of law.

WHEREFORE, third-party defendant, Kellaway Intermodal & Distribution Systems, Inc., respectfully requests that this Honorable Court deny the petition for attorney fees and costs of third-party plaintiff Maersk Lines, Inc.

Respectfully submitted,

DUFFY & KEENAN

BY: _____


PATRICK J. KEENAN, ESQUIRE
Attorney for Third-Party Defendant
The Curtis Center, Suite 1150
Independence Square West
Philadelphia, Pa. 19106
(215) 238-8700